Docket No.: SON-2967
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Koji Tsukimori et al.

Appeal No. 2009-015086

Application No.: 10/799,617

Confirmation No.: 8418

Filed: March 15, 2004

Art Unit: 2111

For: EDITING SYSTEM

Examiner: F. M. Zaman

REQUEST FOR REHEARING

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Receipt is acknowledged of the Decision on Appeal (Decision) mailed May 18, 2010 from the Board of Patent Appeals and Interferences ("the Board").

This is a Request for Rehearing under 37 C.F.R. §41.52 in response to the Decision.

This Request is limited to points and authorities believed to have been misapprehended or overlooked by the Board in rendering its Decision. 37 C.F.R. §41.52.

Remarks/Arguments begin on page 2 of this paper.

REMARKS

1. Standard of review – Generally.

The Federal Circuit instructs that "the Board is required to set forth in its opinions specific findings of fact and conclusions of law adequate to form a basis for [appellate] review." *Gechter v. Davidson*, 43 USPQ2d 1030, 1035 (Fed. Cir. 1997) (Decision of the Board vacated and remanded for specific findings of fact and conclusions of law adequate to form a basis for appellate review).

The Patent and Trademark Office has the burden of showing a *prima facie* case of obviousness. *In re Bell*, 26 USPQ2d 1529, 1530 (Fed. Cir. 1993).

In this regard, the Patent and Trademark Office *may not*, because it may doubt that the invention is patentable, resort to *speculation*, unfounded *assumptions* or *hindsight reconstruction* to supply deficiencies in its factual basis. *In re Warner and Warner*, 154 USPQ 173, 178 (C.C.P.A. 1967).

2. It Is Respectfully Submitted That U.S. Patent No. 5,680,596 (Iizuka) *Fails* To Disclose, Teach, Or Suggest Frame Synchronization Information Being *Extracted* From A Reference Signal.

Page 8 of the Decision concludes the following:

> *The timing notice signal (tuning data) is extracted from reference signals REF supplied to the time measuring circuits 29 of the timing generation unit 2 (Col. 4, l. 58; col. 5, l. 15).*

2.A. The feature *"frame synchronization information being <u>extracted from a reference signal"</u>* has been interpreted in within the Decision in a manner that is <u>*inconsistent with the specification*</u> for the claims on appeal.

The Patent and Trademark Office determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "***<u>in light of the specification</u>*** *as it would be interpreted by one of ordinary skill in the art"*. *Phillips v. AWH Corp.*, 75 USPQ2d 1321, 1329 (Fed. Cir. 2005).

In *<u>reversing</u>* the Board of Patent Appeals and Interferences, the U.S. Court of Appeals for the Federal Circuit explained the following within *In re Suitco Surface Inc.*, 94 USPQ2d 1640, 1644 (Fed. Cir. 2010):

> *The broadest-construction rubric coupled with the term "comprising" <u>does not give</u>* <u>*the PTO an unfettered license to interpret claims to embrace anything remotely*</u> <u>*related to the claimed invention.*</u> *Rather, claims should always be read in light of the specification and teachings in the underlying patent. See Schriber-Schroth Co. v. Cleveland Trust Co., 311 U.S. 211, 217 [47 USPQ 345] (1940) ("The claims of a patent are always to be read or interpreted in light of its specifications.").*

On the other hand, it is improper to read a limitation from the specification into the claims. *Liebel-Flarsheim Co. v. Medrad Inc.*, 69 USPQ2d 1801, 1806 (Fed. Cir. 2004).

2.A.I).   The feature of *"frame synchronization information being extracted from a reference signal"* <u>is present within the claims on appeal.</u>

Claims 9-36 are the subject of this appeal. As shown hereinbelow, *the extraction of frame synchronization information from a reference signal* is a feature that is present within the claims on appeal.

Claims 10-15 are dependent upon claim 9. Within claim 9, the *timing generation unit is adapted to extract frame synchronization information from a reference signal*.

Claims 17-19 are dependent upon claim 16. Within claim 16, *a timing notice apparatus extracts frame synchronization information from a reference signal*.

Claims 21-22 are dependent upon claim 20. Claim 20 includes *a timing generation unit adapted to extract frame synchronization information from a reference signal*.

Claims 24-31 are dependent upon claim 23. Claim 23 includes the step of *extracting frame synchronization information from a reference signal*.

Claims 33-36 are dependent upon claim 32. Claim 32 provides that *a timing notice apparatus extracts frame synchronization information from a reference signal*.

• *Thus, it is respectfully submitted that the extraction of frame synchronization information from a reference signal not being read from the specification into the claims is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

2.A.I).1). The meaning of *"frame synchronization information being extracted from a reference signal"* has been set forth within the specification.

It is axiomatic that, in proceedings before the PTO, claims in an application are to be given their broadest reasonable interpretation consistent with the specification, and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990).

The specification is the single best guide to the meaning of a disputed term. *In re Translogic Technology Inc.*, 84 USPQ2d 1929, 1935 (Fed. Cir. 2007).

Here, the specification provides the following at page 4, lines 15-23:

> The synchronization information extraction circuit 13 of the timing generation unit
> 12 receives a reference signal S1 provided from outside, and sequentially *extracts*
> *frame synchronization information stored in the reference signal S1* under frame
> timing and concurrently sends thus extracted frame synchronization information to
> the USB controller 11 through the CPU 10 as a timing notice signal S2 for the frame
> timing notice so as to input the timing notice signal S2 to an end point for USB
> interrupt transfer arranged in the USB controller 11.

The specification provides the following at page 11, lines 10-17:

> In the above-described configuration, in the timing notice apparatus 4, the
> synchronization information extraction circuit 13 sequentially *extracts frame*
> *synchronization information from the reference signal S1* under the frame timing and
> concurrently inputs thus extracted frame synchronization information to the end
> point of the USB controller 11 as the timing notice signal S2 so as to sequentially
> update the timing notice signal S2 that is input to the end point under the frame
> timing.

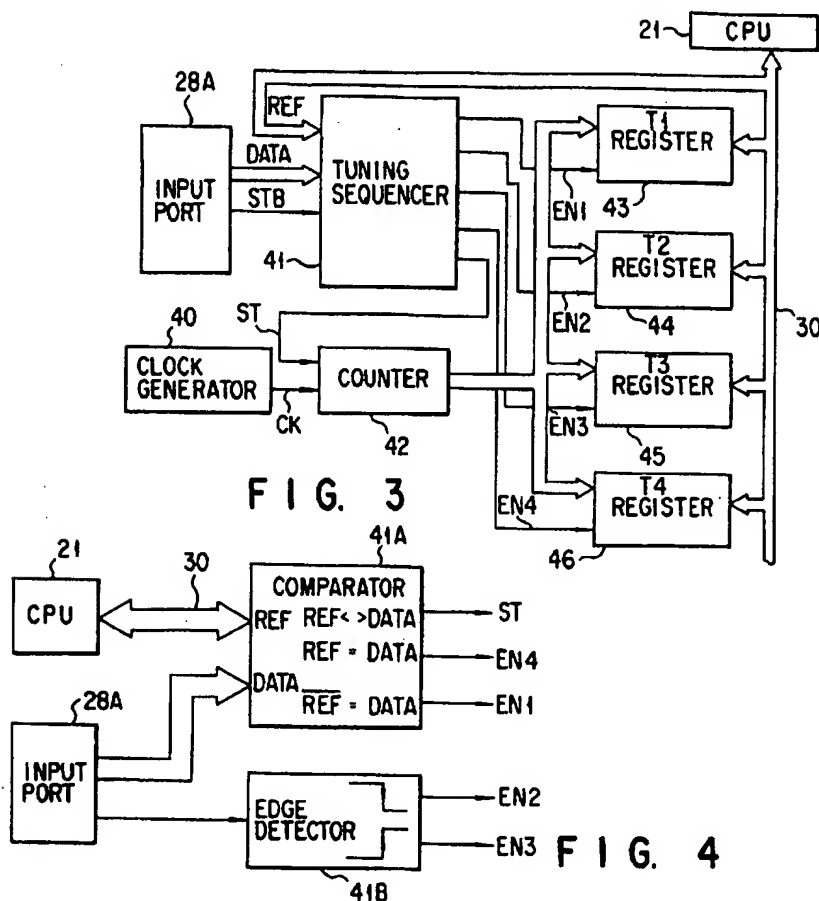The specification provides the following at page 16, lines 4-12:

> In the above-described embodiment, one timing notice apparatus 4 is connected to
> the personal computer 2 over the USB cable 3, on the other hand, the present
> invention in not restricted to the case. For example, a plurality of timing notice
> apparatuses 4, 31, ⋯ , 31N that *extract frame synchronization information from*
> *reference signals having the frame synchronization information stored therein*
> under the frame timing in accordance with different frame frequencies (59.94 Hz, 50
> Hz, 24 Hz, etc.) may be connected to the personal computer 2 over the USB cables 3
> though a hub 30 for the USB, as shown in FIG.5.

- *Thus, it is respectfully submitted that the meaning of "frame synchronization information being extracted from a reference signal" as set forth within the specification is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

2.A.I).2).   U.S. Patent No. 5,680,596 (Iizuka) *fails* to disclose, teach, or suggest *tuning data being extracted from the reference data signals REF.*

No tuning data is stored within reference data signals REF of Iizuka.

In particular, Figures 3 and 4 of Iizuka are provided hereinbelow.

FIG. 3

FIG. 4

2.A.I).2).a).   Reference signal REF

Here, the reference data signals REF are from the CPU 2 (Iizuka at column 4, lines 59-60).

The comparator 41A receives the reference data signals REF and the data signals DATA and detects the transition state of the input signal B by comparing the logic levels of the data signals DATA with those of the reference data signals REF (Iizuka at column 5, lines 11-14).

The reference data signals REF are selected to "01010101", for example (Iizuka at column 5, lines 17-19).

In summary, the reference data signals REF that are output from the CPU 2 as a bit pattern of "01010101". This bit pattern is input to a comparator 41A.

However, this bit pattern is not tuning data.

Likewise, no tuning data is stored within reference data signals REF.

No tuning data is output from the CPU 2 along with the reference data signals REF.

No tuning data is extracted from within reference data signals REF.

2.A.I).2).b).   Tuning data

Page 8 of the Decision attempts to associate the *timing notice signal* of the claims on appeal with the *tuning data* of Iizuka.

Regarding the tuning data of Iizuka, the counter 42 continuously counts the *__number of__*
__reference clocks CK__ upon reception of the start signal ST (Iizuka at column 4, line 66 to column 5,
line 1).

The CPU 21 reads out the *__count values T1 to T4__* latched by the registers 43 to 46
through the system bus 30, and sequentially supplies *the upper four bits and the lower four bits of*
each count value to the input and output unit 28 *__as the tuning data__* (Iizuka at column 5, lines 5-9).

However, no reference data signals REF are output from the counter 42.

Instead, the *latch enable signal EN1* is generated from the comparator 41A at a timing of
detecting that all the *__logic levels of the data signals__* are changed to be equal to the *__inverted logic__*
__levels of the reference data signals REF__ (Iizuka at column 5, lines 24-28).

The *latch enable signal EN4* is generated from the comparator 41A at a timing of
detecting that all *__the logic levels of the data signals DATA__* are changed to be equal to those of the
__reference data signals REF__ again (Iizuka at column 5, lines 24-28).

Here, Iizuka *fails* to disclose, teach, or suggest latch enable signals EN1 and EN4 being
stored within the reference data signals REF.

The *latch enable signal EN2* is generated from the edge detector 41B at a timing of
detecting that the *strobe signal /STB* falls below a lower threshold level (Iizuka at column 5, lines
27-31).

The *latch enable signal EN3* is generated from the edge detector 41B at a timing of
detecting that the *strobe signal /STB* rises above a upper threshold level (Iizuka at column 5, lines
31-34).

Here, Iizuka *fails* to disclose, teach, or suggest latch enable signals EN2 and EN3 being
stored within the reference data signals REF.

Moreover Iizuka *fails* to disclose, teach, or suggest strobe signal /STB being stored within the reference data signals REF.

The registers 43 to 46 of Iizuka receive ***count values supplied from the counter 42***, and latch the count values as results of transition time measurement in response to the latch enable signals EN1 to EN4 from the tuning sequencer 41.

In this regard, the registers 43 to 46 do not receive any data that is stored within the reference data signals REF.

In view of the above, tuning data being extracted from reference signal REF is ***absent*** from within Iizuka.

- *Thus, it is respectfully submitted that an interpretation within the Decision of "frame synchronization information being extracted from a reference signal" in a manner that is inconsistent with the specification for the claims on appeal is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

2.B. The feature *"frame synchronization information being extracted from a reference signal"* has been interpreted in within the Decision in a manner that is *inconsistent with Description of the Related Art (AAPA)*.

Prior art references may be indicative of what all those skilled in the art generally believe a certain term means and can often help to demonstrate how a disputed term is used by those skilled in the art. *In re Cortright*, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999).

2.B.I). AAPA is relied upon in the Examiner's Answer for the *frame synchronization information being extracted from a reference signal.*

The Examiner's Answer relies upon AAPA for the meaning of *"frame synchronization information being extracted from a reference signal"*.

Specifically, page 9 of the Examiner's Answer asserts the following (*with emphasis added*):

> *Finally regarding Claims 9, 16, 20, 23, and 32, with regards to the combination of AAPA and Iizuka, Appellant argues that "Iizuka fails to disclose .... the printer 2 as extracting the **frame synchronization information from the reference signal."** However, as discussed above, **AAPA was used to teach this limitation**. Iizuka was used in the 35 USC 103 combination to teach that providing a timing notice apparatus as claimed as being a separate device from a personal computer is known in the art. In the case of Iizuka, the printer 2 (equated to the claimed "timing notice apparatus") provides timing information to the computer 1 and is a separate device from the computer 1.*

• *However, it is respectfully submitted that reliance upon AAPA for the frame synchronization information being extracted from a reference signal is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

2.B.I).1).   The skilled artisan upon reviewing AAPA would have understood the feature *"frame synchronization information being extracted from a reference signal"* as meaning the extraction of frame synchronization information that was _stored within the reference signal_.

The interpretation of claim terms should not be so broad that it **_conflicts_** with the meaning given to identical terms in other patents from analogous art. *In re Cortright*, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999).

Regarding AAPA, the paragraph of the specification beginning at page 1, line 14, provides as follows:

> In the conventional editing system, in some cases, a personal computer is provided with *a reference signal in which frame synchronization information is sequentially stored* under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by *extracting the frame synchronization information from the reference signal*.

Consistent with AAPA, one of ordinary skill would construe the concept of *"extracting the frame synchronization information from the reference signal"* as meaning that the reference signal includes the frame synchronization information whereby the frame synchronization information is extract from the reference signal.

Here, the construction of *"extracting the frame synchronization information from the reference signal"* in the Decision case conflicts with the definition in the AAPA.

•   *It is respectfully submitted that the skilled artisan upon reviewing AAPA would have understood the feature "frame synchronization information being extracted from a reference signal" as meaning frame synchronization information stored within the reference signal being*

extracted from the reference signal is believed to have been misapprehended or overlooked by the Board in rendering its Decision.

3. **It Is Respectfully Submitted That U.S. Patent No. 5,680;596 (Iizuka) *Fails* To Disclose, Teach, Or Suggest <u>Tuning Data Being</u> *<u>Transmitted According To A Predetermined Timing Of Image Data</u>*.**

Page 12 of the Appellant's Brief highlights the admission on page 3 of the Final Office Action of December 16, 2008 that *<u>AAPA fails to teach an editing system</u>* that includes a computer having a *<u>computer interface unit</u>*, the computer interface unit being adapted to transmit an acquisition command and to receive a timing notice signal.

Page 12 of the Appellant's Brief highlights the admission on page 3 of the Final Office Action that *<u>AAPA fails to teach an editing system</u>* that includes the *<u>controller</u>* being adapted to *<u>receive the acquisition command and to transmit the timing notice signal</u>*.

Page 12 of the Appellant's Brief highlights the admission on page 3 of the Final Office Action that *<u>AAPA fails to teach an editing system</u>* wherein the *<u>timing notice apparatus transmits the timing notice signal</u>* upon receipt of the acquisition command, the timing notice signal being transmitted according to a predetermined timing of image data.

In an attempt to account for this deficiency within AAPA, page 8 of the Decision asserts the following:

> *In addition, we find Iizuka alone teaches the computer with the interface unit (Fig. 2, #1), the equivalent of the timing notice apparatus (Fig. 2, #2) with a controller (CPU 21) and a timing generation unit (#29 and associated circuitry), which receives an acquisition command (equivalent to the tuning request command, Col. 6, l. 30) and in response transmits a timing notice signal (tuning data, Col. 6, l. 31). The timing*

notice signal (tuning data) is extracted from reference signals REF supplied to the time measuring circuits 29 of the timing generation unit 2 (Col. 4, l. 58; col. 5, l. 15). We find it would be obvious to use the Iizuka device as the editing system disclosed in the AAPA.

However, at least for the following reasons, it is respectfully submitted that the skilled artisan would not have considered it obvious to use the Iizuka device as the editing system disclosed in the AAPA.

3.A. The feature of *"the timing notice signal being transmitted according to a predetermined timing of image data"* is <u>present within the claims on appeal</u>.

Claims 9, 16, 20, 23 and 32 include *said timing notice signal being transmitted <u>according to a predetermined timing of image data</u>.*

3.B. The feature of *"a predetermined timing of image data"* within the claims on appeal has a <u>particular meaning</u>.

As an initial matter, the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification. In re Morris, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).

Words that were defined in the specification ***must be given the same meaning*** when used in the claims. *McGill Incorporated v. John Zink Company*, 221 USPQ 944, 949 (Fed. Cir. 1984).

For example, under *timing indicative of temporal beginnings of first and second fields corresponding to a frame frequency of image data to be edited (referred to as field timing, hereinafter),* a timing notice signal for the field timing notice may be transmitted from the timing notice apparatus 4 to the personal computer 2 over the USB cable 3 (Specification at page 16, line 22 to page 17, line 3).

Here, the "predetermined timing of image data" of the claims on appeal is consistent with "timing indicative of temporal beginnings of first and second fields corresponding to a frame frequency of image data to be edited".

However, Iizuka *fails* to disclose, teach, or suggest the tuning data being transmitted according to *"timing indicative of temporal beginnings of first and second fields corresponding to a frame frequency of image data to be edited"*.

Prior art can often help to demonstrate how a disputed term is used by those skilled in the art. *Vitronics Corp. v. Conceptronic Inc.*, 39 USPQ2d 1573, 1578 (Fed. Cir. 1996),

Here, AAPA provides that in the conventional editing system, in some cases, a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored under *timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter)* so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal (Specification at page 1, lines 14-22).

Here, the "predetermined timing of image data" of the claims on appeal is consistent with *"timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited"*.

However, Iizuka *fails* to disclose, teach, or suggest the tuning data being transmitted according to "*timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited*".

• *It is respectfully submitted that the feature of "a predetermined timing of image data" within the claims on appeal having a particular meaning is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

3.C. The "*predetermined timing is from the group consisting of frame timing and field timing*" is present within dependent claims 14 and 25 on appeal.

The editing system as set forth in dependent claims 14 and 25 provide that *said predetermined timing is from the group consisting of frame timing and field timing*.

• *It is respectfully submitted that dependent claims 14 and 25 providing that said predetermined timing is from the group consisting of frame timing and field timing is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

3.D. The meaning of "*the timing notice signal being transmitted according to a predetermined timing of image data*" within AAPA is <u>inconsistent</u> with the teachings of Iizuka.

Page 8 of the Decision attempts to associate the *timing notice signal* of the claims on appeal with the *tuning data* of Iizuka.

3.D.I).   In its Findings of Fact, the Decision _fails_ to identify within Iizuka "*a predetermined timing of image data*".

In its Findings of Fact, the Decision _fails_ to identify within Iizuka "*a predetermined timing of image data*".

Specifically, page 5 of the Decision provides as follows:

> *The Iizuka reference teaches a system for generating and tuning timing signals for the transfer of image data from a computer to a device, such as a printer (Col. 1, ll. 13 to 18). To tune the timing of control signals, to allow for the length of a USB or other cable, various communications go back and forth between the computer and the printer (Col. 6, 11. 4 to 37). In the tuning mode, a tuning data request command is transmitted from the computer to the printer (id.). In response, tuning data produced by a state transition time measuring circuit is sent back to the computer (id.). A tuning sequencer 41 in the time measuring circuit calculates the tuning data from reference signals (Col. 4, 11. 50 to 60).*

• *Here, it is respectfully submitted that the failure to identify within Iizuka "a predetermined timing of image data" in its Findings of Fact is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

3.D.II).   In its Analysis, the Decision _fails_ to identify within Iizuka "*a predetermined timing of image data*".

Page 8 of the Decision asserts the following:

> *In addition, we find Iizuka alone teaches the computer with the interface unit (Fig. 2, #1), the equivalent of the timing notice apparatus (Fig. 2, #2) with a controller (CPU*

21) and a timing generation unit (#29 and associated circuitry), which receives an acquisition command (equivalent to the tuning request command, Col. 6, 1. 30) and in response transmits a timing notice signal (tuning data, Col. 6, 1. 31). The timing notice signal (tuning data) is extracted from reference signals REF supplied to the time measuring circuits 29 of the timing generation unit 2 (Col. 4, 1. 58; col. 5, 1. 15). We find it would be obvious to use the Iizuka device as the editing system disclosed in the AAPA.

However, in its Analysis, the Decision *fails* to identify within Iizuka "*a predetermined timing of image data*".

● *It is respectfully submitted that the failure to identify within Iizuka "a predetermined timing of image data" in its Analysis is believed to have been misapprehended or overlooked by the Board in rendering its Decision.*

3.D.III). Iizuka *fails* to disclose, teach, or suggest the tuning data being transmitted *according to a predetermined timing of image data*.

Iizuka arguably discloses that as the *results of measurement*, the *count values T1 to T4* are stored in the registers 43 to 46 (Iizuka at column 6, lines 60-61).

As noted hereinabove, the Decision on appeal *fails* to explain how and why the skilled artisan would have substituted the frame synchronization information of AAPA with the count values T1 to T4 of Iizuka, especially when the skilled artisan would not considered the frame synchronization information of AAPA and the count values T1 to T4 of Iizuka as being one in the same.

When reception of the tuning data request command is confirmed in step SP4 after completion of measurement, the *results of measurement* read from the registers 43 to 46 are

sequentially supplied to the input and output unit 28 as tuning data and *transmitted from the input and output unit 28 to the computer 1* in step SP5 (Iizuka at column 6, line 67 to column 7, line 1).

Page 6 of the Examiner's Answer contends that AAPA teaches wherein said predetermined timing is from the group consisting of frame timing and field timing (AAPA, Page 1, lines 5-13 under Description of Related Art).

However, Iizuka *fails* to disclose, teach, or suggest the results of measurement read from the registers 43 to 46 of Iizuka being transmitted according to frame timing and field timing.

There is certainly **no clear disclosure within Iizuka of any timing information** associated with the transmission of the results of measurement read from the registers 43 to 46 of Iizuka is disclosed, taught or suggested by the combination of Iizuka and AAPA.

This deficiency of any timing information within Iizuka is conspicuous, especially in the presence of the admission by the Examiner of an absence within AAPA of a timing notice apparatus.

Page 4 of the Examiner's Answer asserts that:

> *Wherein said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted according to a predetermined timing (Iizuka, Column 4, lines 7-10) of image data (Iizuka, Column 3, lines 52-62).*

In response, Regarding Figure 6, column 4, lines 7-10, of Iizuka provides that at the time of transmission, the CPU 11 sequentially sets the print control data and strobe data in the input and output unit 18 at timings corresponding to the *transfer parameters preset in the RAM 13*.

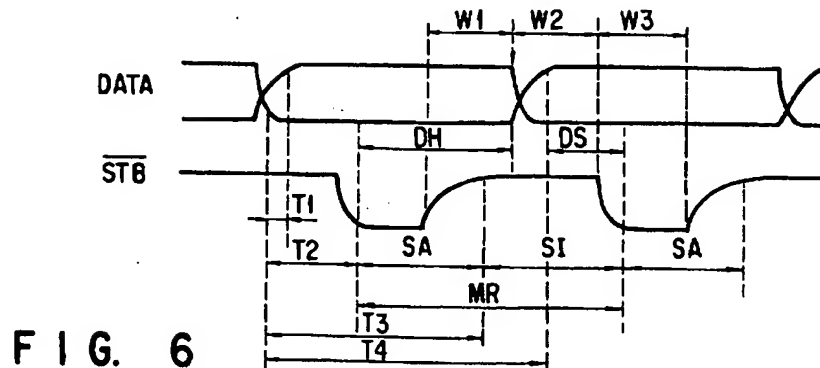Here, Figure 6 of Iizuka is provided hereinbelow for convenience.

F I G. 6

Iizuka at column 3, line 67 to column 4, line 7 provides that transfer parameters include:

- A **_waiting time W2_** for causing the strobe signal /STB to fall after update of the data signals DATA;

- A **_waiting time W3_** for causing the strobe signal /STB to rise after the fall of the strobe signal /STB: and

- A **_waiting time W1_** for causing the data signals DATA to update after the rise of the strobe signal /STB ().

Regarding RAM 13, Figure 2 of Iizuka is provided hereinbelow for convenience.
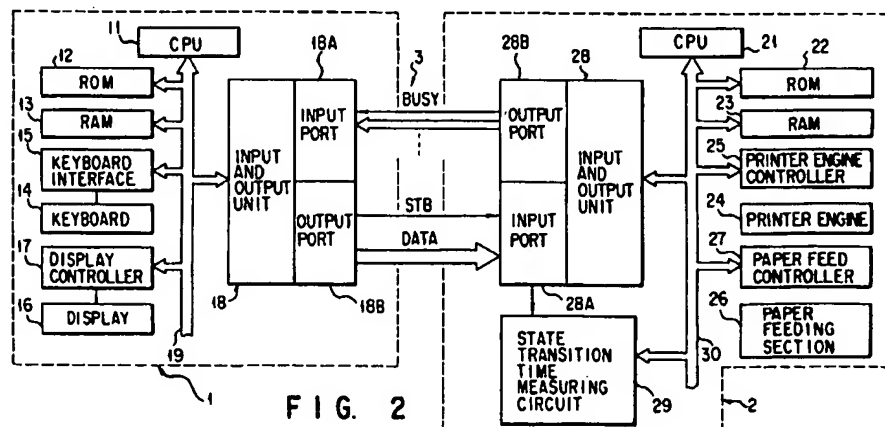

F I G. 2

Here, the output port 18B includes eight output terminals for outputting the ***data signals DATA*** in parallel and an output terminal for outputting the **strobe signal /STB** (Iizuka at column 3, lines 49-52).

But as shown within Figure 2, RAM 13 is within computer 1 and not within the printer 2.

Referring again to Figure 6 of Iizuka, column 5, lines 39-47, of Iizuka provides:

- The ***count value T1*** represents the time from update of the data signals DATA to completion of transition thereof.

- The ***count value T2*** represents the time from the update of the data signals DATA to completion of fall of the strobe signal /STB.

- The ***count value T3*** represents the time from the completion of fall of the strobe signal /STB to completion of rise thereof.

- The ***count value T4*** represents the time from the update of the data signals DATA to the next update thereof.

Nevertheless, neither the waiting times W1-W3 nor the count values T1-T4 represent a predetermined timing for transmitting the alleged timing notice signal of Iizuka.

Thus, it is respectfully submitted that the absence within Iizuka of the tuning data being transmitted according to a predetermined timing of image data is believed to have been misapprehended or overlooked by the Board in rendering its Decision.

4. **Conclusion**.

The previously stated points are believed to have been misapprehended or overlooked in the Decision and are grounds upon which rehearing is sought.
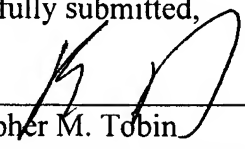
Accordingly, the Board is respectfully requested to reconsider its Decision in this matter.

Favorable reconsideration of the claims on appeal in light of the remarks is courteously solicited.

Dated: July 1, 2010

Respectfully submitted,

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